

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMY SCHRADER,)	
)	
Plaintiff,)	8:09CV33
)	
v.)	
)	
HENNINGSEN FOODS, Inc., and Q.P.)	MEMORANDUM AND ORDER
CORPORATION,)	
)	
Defendants.)	
_____)	

This matter is before the court on defendant Q.P. Corporation's ("QP") motion to dismiss for lack of personal jurisdiction, Filing No. [18](#); defendant Henningsen Foods, Inc.'s ("Henningsen") motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and 12(d), Filing No. [22](#); plaintiff's motion to strike, Filing No. [25](#); plaintiff's motion to strike index, Filing No. [27](#); Henningsen's motion to dismiss the Racketeer Influenced and Corrupt Organizations Act ("RICO") claims, [18 U.S.C. § 1961](#) *et seq.*, Count II, Filing No. [38](#); and plaintiff's motion to dismiss the RICO claims in Count II, Filing No. [46](#).

The court first notes that plaintiff has now filed an Amended Complaint. Filing No. [36](#). This new complaint renders Filing Nos. 18, 22, 25 and 27 moot. Accordingly, the court will deny those motions as moot. In addition, Henningson filed a motion to dismiss plaintiff's RICO claims. Filing No. [38](#). Plaintiff has now filed a motion dismissing her RICO claims. Filing No. [46](#). Accordingly, the court will grant the plaintiff's motion to dismiss her RICO claims and will deny Henningsen's motion to dismiss as moot.

THEREFORE, IT IS ORDERED:

1. Henningsen's motion to dismiss, Filing No. [22](#), is denied as moot.

2. Plaintiff's motion to strike, Filing No. [27](#), is denied as moot.

3. Plaintiff's motion to dismiss, Filing No. [46](#), is granted and the RICO claims are dismissed from this lawsuit.

4. Henningsen's motion to dismiss the RICO claims, Filing No. [38](#), is denied as moot.

5. Plaintiff's motion to strike, Filing No. [25](#), is denied as moot.

6. QP's motion to dismiss, Filing No. [18](#), is denied as moot.

DATED this 23rd day of June, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge